



City of Harrisonburg, Virginia

Planning Commission Meeting

June 10, 2009

7:00 p.m.

Regular Meeting
409 South Main Street

1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the May 13, 2009 regular meeting.**

2) **New Business**

Preliminary Plat – Variance Request Lots 49 & 50 Norwood Avenue (Kettelkamp)

Consider a request from Scott Kettelkamp to preliminarily subdivide two lots totaling 9,443 +/- sq. ft. into three townhouse lots with variance requests from the Subdivision Ordinance Sections 10-2-41 (i) (3), 10-2-45, 10-2-66, and 10-2-67. The lots, zoned, R-3, Multiple Dwelling Residential District, are located along Norwood Street and can be found on tax map 27-S-49 & 50.

Preliminary Plat – Community Street Variances (Hill Group Properties)

Consider a request from Hill Group Properties to preliminarily subdivide three lots totaling 36,682 +/- sq. ft. into six lots with variance requests from the Subdivision Ordinance Sections 10-2-41 (i) (3), 10-2-45, 10-2-66, and 10-2-67. The lots, zoned B-1, Central Business District, are located along Community Street and North Mason Street and can be found on tax maps 34-O-16, 17, & 18.

Rezoning – 125 W. Water St. (Lowry)

Public hearing to consider a request from Craig Steven Lowry and Carol Ann Lowry to rezone a 3,249 +/- sq. ft. parcel from M-1, General Industrial District to B-1, Central Business District. The property is located at 125 West Water Street and can be found on tax map 25-C-16.

Master Plan Amendment – VMRC (Woodland Facility 2009)

Public hearing to consider a request from Virginia Mennonite Home, Inc. to amend an approximate 3.5 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex. The request would modify the allowable uses for the Woodland facility located at 1301 Virginia Avenue. The property is zoned R-3, Multiple Dwelling Residential District along with an Institutional Overlay District and can be found on tax map 52-A-1.

3) **Unfinished Business**

4) **Public Input**

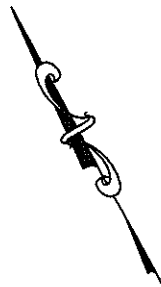
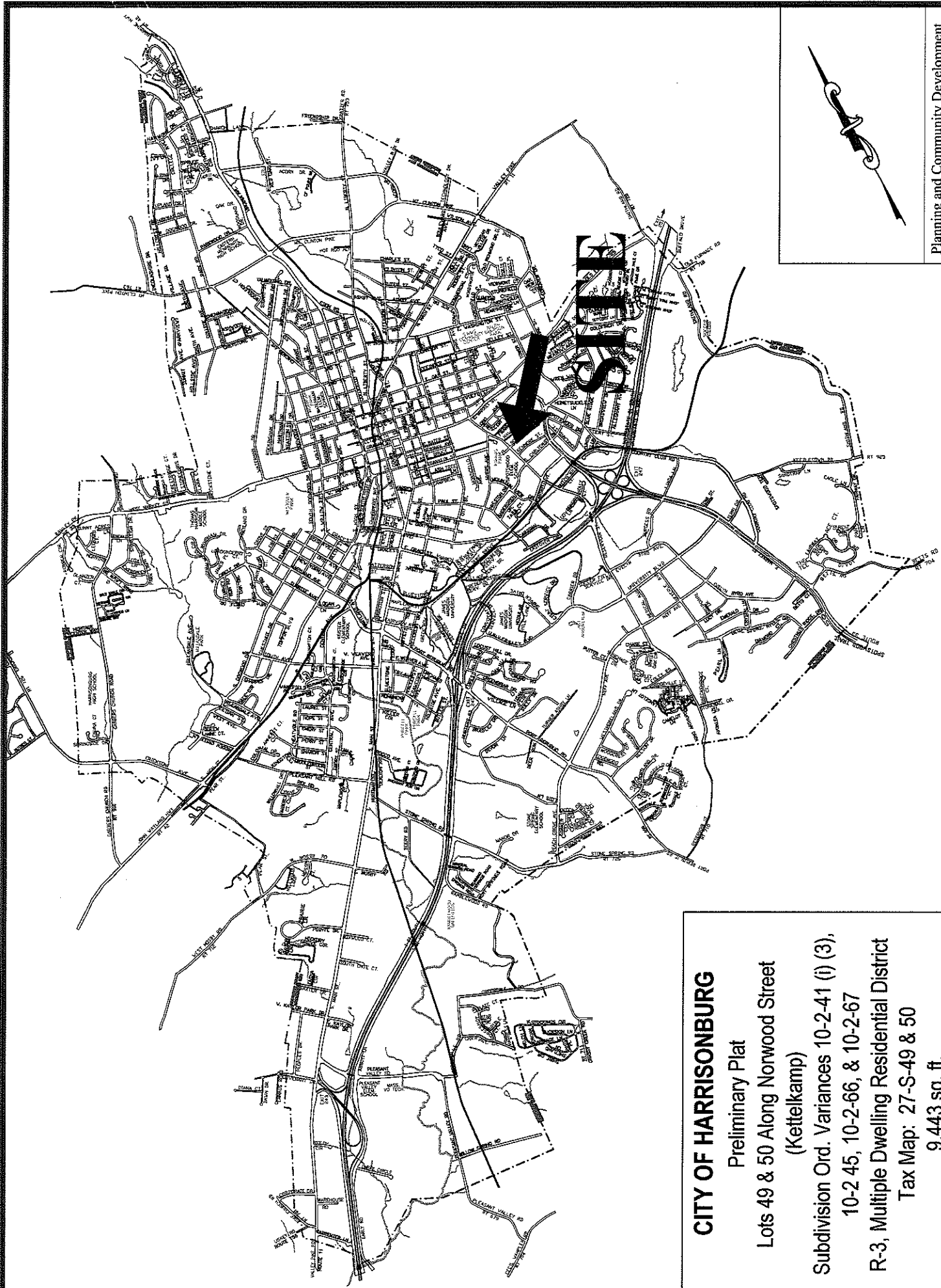
5) **Report of secretary and committees**

Proactive Zoning

6) **Other Matters**

7) **Adjournment**

Staff will be available Tuesday July 7, 2009 at 2:30 p.m. for those interested in going on a field trip to view the sites for the July 8, 2009 agenda.



Planning and Community Development
City of Harrisonburg, Virginia

CITY OF HARRISONBURG

Preliminary Plat

Lots 49 & 50 Along Norwood Street

(Kettelkamp)

Subdivision Ord. Variances 10-2-41 (i) (3),

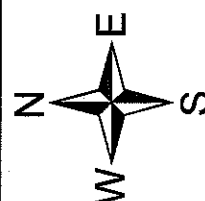
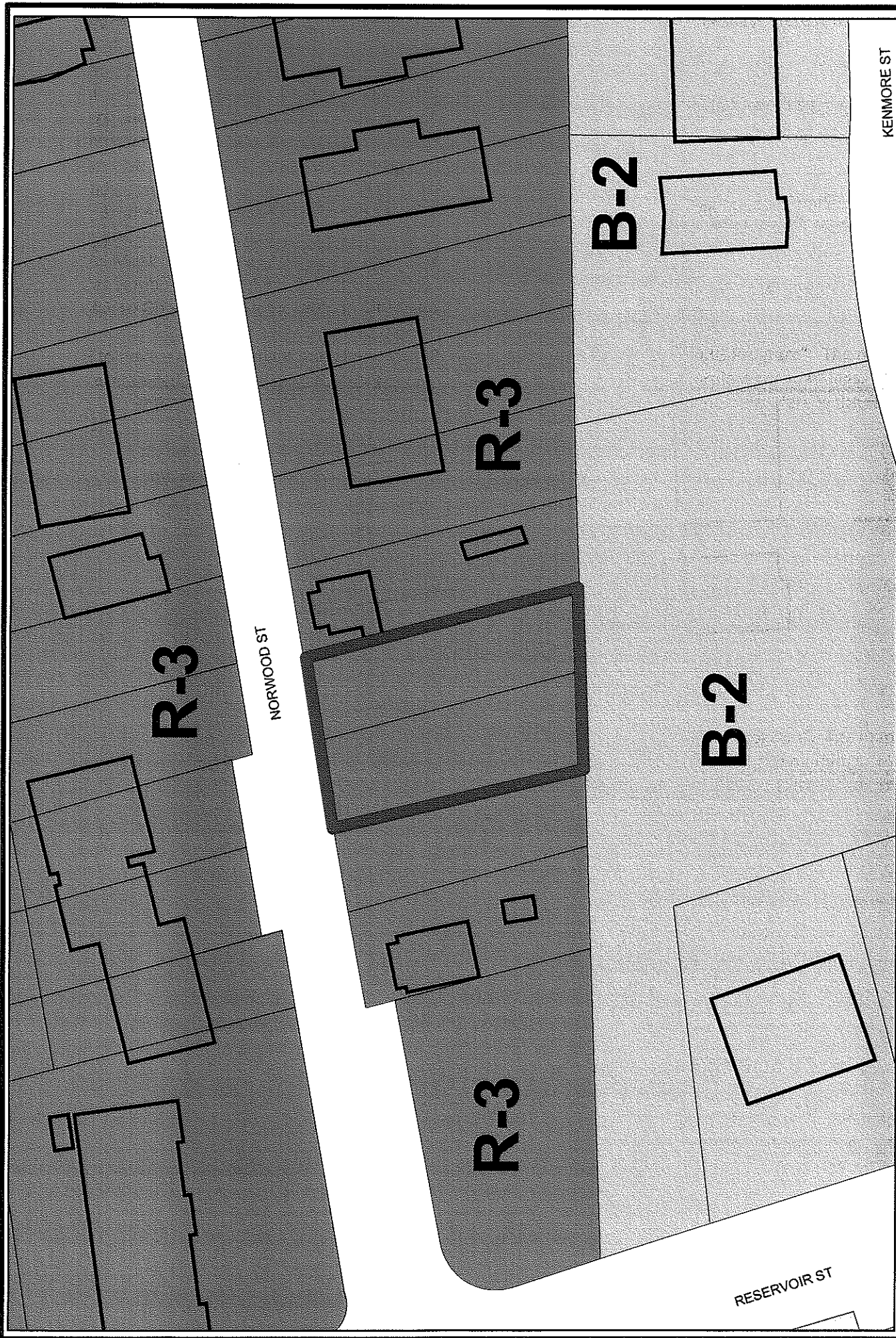
10-2-45, 10-2-66, & 10-2-67

R-3, Multiple Dwelling Residential District

Tax Map: 27-S-49 & 50

9,443 sq. ft.

LOCATION MAP



Variance Requests Norwood Street (Kettelkamp)

Preliminary Plat

KENMORE ST

RESERVOIR ST



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 10, 2009

PRELIMINARY PLAT – VARIANCE REQUESTS – NORWOOD STREET

GENERAL INFORMATION

Applicant: Scott Kettelkamp (Persist, LLC)
Tax Map: 27-S-49 & 50
Acreage: 9,443 square feet
Location: 549 & 555 Norwood Street
Request: Consider a request to preliminarily subdivide three townhouse lots with variance requests from the Subdivision Ordinance Sections 10-2-41 (i) (3), 10-2-45, 10-2-66, and 10-2-67.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

The following land uses are located on and adjacent to the property:

Site: Vacant land, zoned R-3
North: Across Norwood Street, apartment dwelling, zoned R-3
East: Single-family dwelling, zoned R-3
South: Vacant land, zoned B-2
West: Single-family dwelling, zoned R-3

EVALUATION

The applicant is requesting to preliminarily subdivide two parcels into three lots with four variances requested from the Subdivision Ordinance. The four variances are associated with right-of-way dedication and required street improvements. If approved, the applicant proposes to construct three townhouse units on the new lots.

Planning Commission first considered this request in April. In review, the applicant requested a variance from the following sections of the Subdivision Ordinance:

- Section 10-2-45, which requires the applicant, when subdividing, to dedicate all land designated for future street widening to public use;
- Section 10-2-41, which provides design standards for streets and alleys and specifically, sub-section (i) (3) which denotes the width for minor streets, such as Norwood Street, which should

be 50 feet of right-of-way. (At present, this section of Norwood Street has a 30-foot right-of-way, and for this particular situation the applicant must dedicate 10 feet along the frontage);

- Section 10-2-66, which states street improvements shall be provided with each new subdivision in accordance with standards and specifications of the City; and
- Section 10-2-67, which states the street improvements shall be installed by the applicant, at their expense.

Staff was only supportive of two of the variances the applicant requested, Section 10-2-66 and 10-2-67, stating that the City would like the improvements to be completed in a more comprehensive approach. Because the dedication of right-of-way is consistent with other subdivision requests in this area and throughout the City, staff does not feel a variance to Sections 10-2-41 (i)(3) and 10-2-45 is warranted.

As stated earlier, the applicant desires to create three townhouse lots at this location. Townhouses are designed to permit individual and separate ownership of each lot and the R-3 zoning regulations require each separate townhouse lot to have at least 2,000 square feet of lot area, 18 feet of lot width, and 112 feet of lot depth. In this case, if the applicant dedicates the 10 feet of right-of-way, he would not have enough lot depth to meet the requirement of 112 feet; therefore he cannot construct townhouses. The dedication of right-of-way would also reduce the lot area so that there is not enough available area left to meet the requirement for the construction of a three unit apartment building. There are other options for construction, such as not subdividing and constructing two single-family dwellings on the existing two lots, or constructing a duplex on the site regardless of whether it is resubdivided. The applicant has stated that such dwellings are not cost effective for this location and three dwelling units would be more likely to sell.

In April, Planning Commission recommended approving the variance requests from Section 10-2-66 and 10-2-67 of the Subdivision Ordinance and recommended denying the variance requests from Section 10-2-41 (i)(3) and 10-2-45, which requires the dedication of right-of-way. In May, the request moved forward to City Council where the applicant changed the request by stating he would establish an agreement with the City that would require either he, or future owners, to dedicate right-of-way to the City at no cost. The new proposal would allow the construction and the maximization of the density while also ensuring the City the right-of-way needed for the future. As this proposal had not been reviewed by staff or Planning Commission, City Council made a motion to return the request to the Planning Commission for further review.

Because the proposed request of future dedication is a deviation from the Subdivision Ordinance regulation of providing the right-of-way at the time of subdividing, the applicant continues to request all four variances. Staff maintains support for the variances from Section 10-2-66 and 10-2-67 to not construct street improvements along this section of Norwood Street. The applicant would, however, be required to install curbing and standard entrances into the property. If approved, staff will continue to work with the applicant to determine the best ingress and egress mechanism while still ensuring it would meet City standards if a future right-of-way dedication takes place.

The new proposal to dedicate right-of-way in the future would keep the required 112 foot lot depth for all three proposed lots and it would allow construction of the three townhomes as desired. The applicant intends to place the townhomes 44 to 45 feet back from the existing property line; this would be enough to meet the 30-foot front setback requirement even after the 10 feet of right-of-way was dedicated. However, once the 10 feet is granted to the City, two of the townhouse lots would become

non-conforming to lot depth. The third northern most lot would be very close to conformity; a survey would be needed to see if the requirement could be met. Parking for the development would be available within the entire front setback area of the site. Staff has some concerns with the aisle width for maneuvering cars out of the parking spaces. The site drawing provided by the applicant shows the travel width varies from about 13 feet to 17 feet and does not appear to be wide enough to maneuver a car out of a 90° parking space, especially for the spaces on the edge of the property. The Zoning Ordinance states that public right-of-way shall not be used to maneuver vehicles in and out of parking spaces; therefore, the proposed future right-of-way should not be considered as part of the maneuvering area.

The layout provided by the applicant shows a 10 foot strip of land to be dedicated to the City upon request and an accompanying letter states that if the subdivision is approved the following conditions would apply:

- a) (The owner) will dedicate and/or convey to the City upon its request and without charge a 10-foot wide strip of land along Norwood Street for the purpose of widening Norwood Street. This strip is shown on the attached site plan and will be further shown on the final subdivision plat; and
- b) simultaneously with the dedication described in (a) above, it will convey to the City an additional 10 foot wide utility easement along Norwood Street according to the City's subdivision ordinance.

These conditions would be recorded and would be binding on the current owner as well as all subsequent owners. Staff has discussed this scenario with the City Attorney and he confirmed that if the conditions are prepared within an instrument that is recorded along with the plat the City could enforce them.

The applicant has also proposed numerous architectural features with regard to the design of the buildings. This information is included; however, there is no mechanism in which the City can enforce any of these design elements.

The April staff report noted the applicant had questioned whether the City would allow a 10-foot easement in place of the right-of-way dedication for future street improvements. There are special circumstances when the Public Works Department has determined it would be appropriate to allow sidewalks and similar infrastructure within easements. However, Public Works does not want to begin allowing public streets within easements; such as would be the situation for these properties along Norwood Street.

Staff has concerns with allowing a subdivision that would, at some point, place the parcels into non-conformancy to lot depth and possibly parking requirements. Staff continues to object to a variance that would deviate from the requirements to dedicate right-of-way at the time of subdividing simply to maximize density, and therefore, recommends denial of the preliminary plat as presented.

Persist LLC
631 E. Rock Street
Harrisonburg, Va 22802
540-607-0469

June 3, 2009

Mr. Kurt Hodgen, City Manager
City of Harrisonburg
Municipal Building, 2nd Floor
345 S. Main Street
Harrisonburg, VA 22801

Re: Variance Request: Persist LLC

Dear Mr. Hodgen:

Persist LLC has requested a variance from the City to subdivide property located on Norwood Street. As part of the variance Persist LLC makes the following conditions:

- a) it will dedicate and/or convey to the City upon its request and without charge a 10-foot wide strip of land along Norwood Street for the purpose of widening Norwood Street. This strip is shown on the attached site plan and will be further shown on the final subdivision plat.
- b) simultaneously with the dedication described in (a) above, it will convey to the City an additional 10 foot wide utility easement along Norwood Street according to the City's subdivision ordinance.

These conditions will be set forth in an instrument recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, and will be binding on the current owner and all subsequent owners.

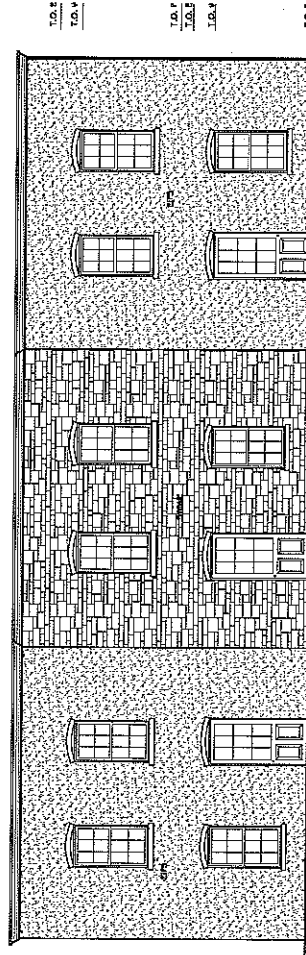
Cordially,

Scott Kettelkamp, manager

5/29/09

SITE PLAN

TRIPLEX FOR PERSIST LLC



SQUARE FOOTAGES

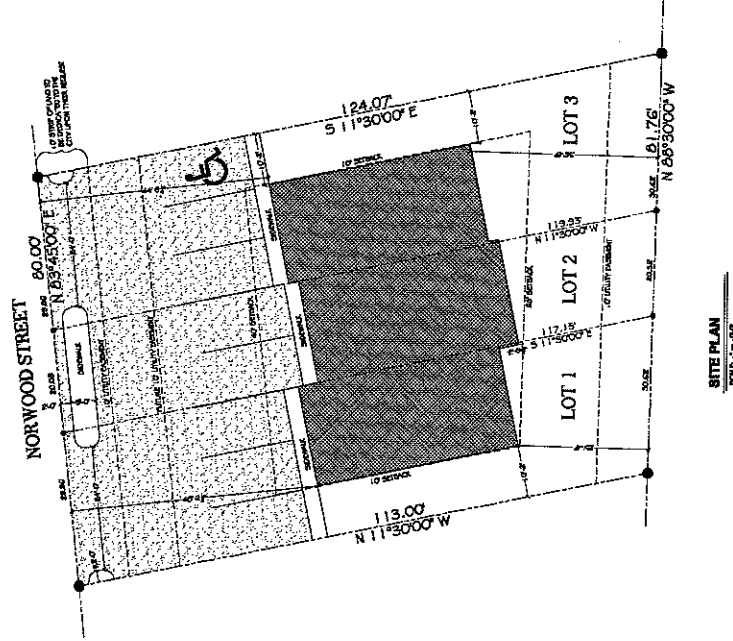
MAIN FLOOR	SECOND FLOOR	TOTAL
UNIT 1: 786 FT ²	528 FT ²	1,314 FT ²
UNIT 2: 802 FT ²	537 FT ²	1,339 FT ²
UNIT 3: 786 FT ²	528 FT ²	1,314 FT ²
FOOTPRINT:	2,374 FT ²	
MAX DIMENSIONS:	59'-4" x 42'-0"	

SHEET INDEX

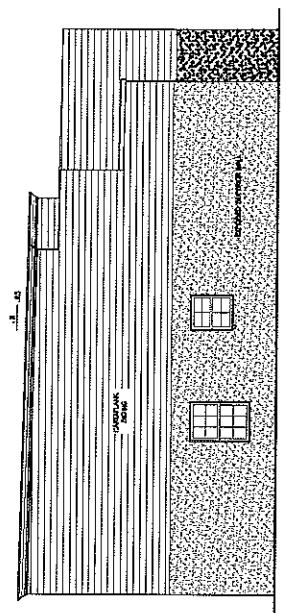
- 1 COVER SHEET
- 2 SITE PLAN
- 3 ELEVATIONS
- 4 FOUNDATION PLAN
- 5 MAIN FLOOR PLAN
- 6 UPSTAIRS PLAN
- 7 SECTIONS

GENERAL NOTES:

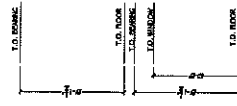
1. INTERIOR WALLS SHOWN AT 3/4" UNLESS NOTED AND DIMENSIONED TO FACE OF WALL.
2. FRAMED WALLS DIMENSIONED TO OUTSIDE OF SHEATHING.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL STATE AND LOCAL BUILDING CODES.
4. FLOOR SYSTEMS DESIGNED FOR 40# LIVE LOAD AND 10# DEAD LOAD.
5. ALL ROUGH OPENINGS FOR DOORS ARE CENTERED OR 1/4" OFF OF CORNER UNLESS DIMENSIONED.



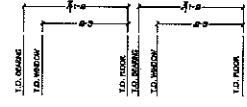
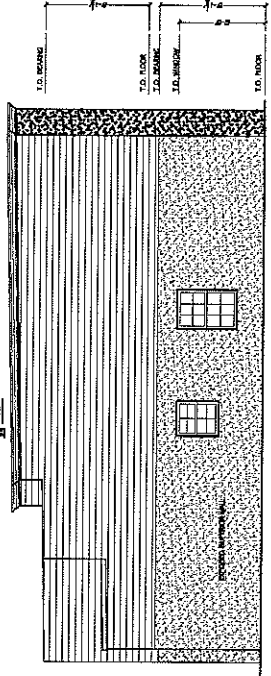
SITE PLAN
SCALE: 1" = 40'



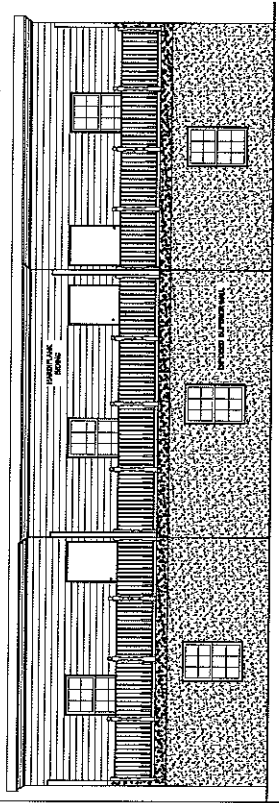
RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



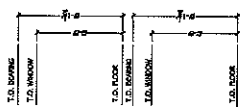
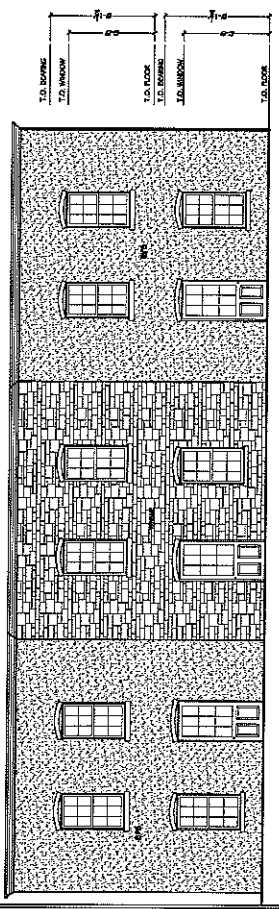
LEFT ELEVATION
SCALE: 1/8" = 1'-0"

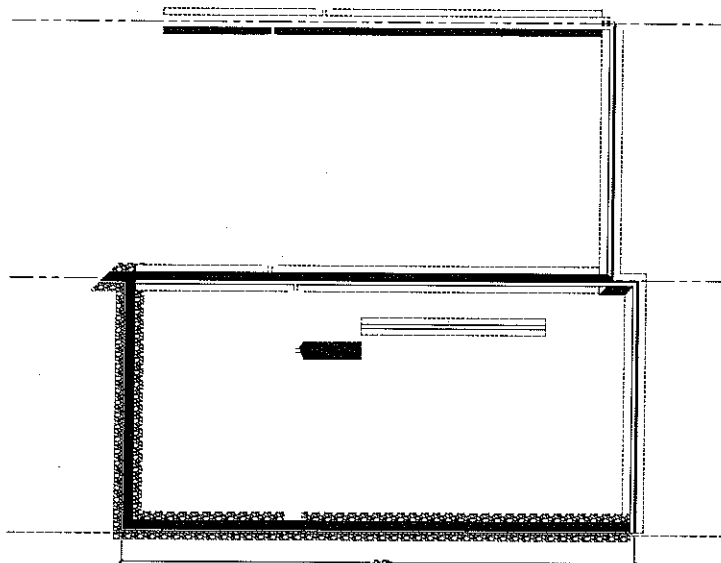
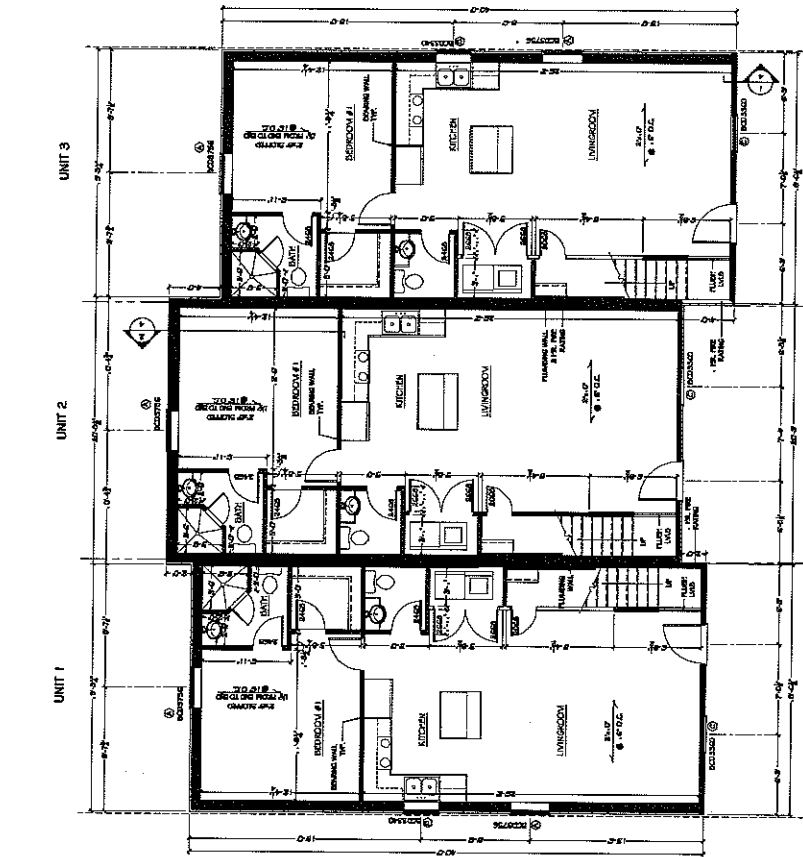


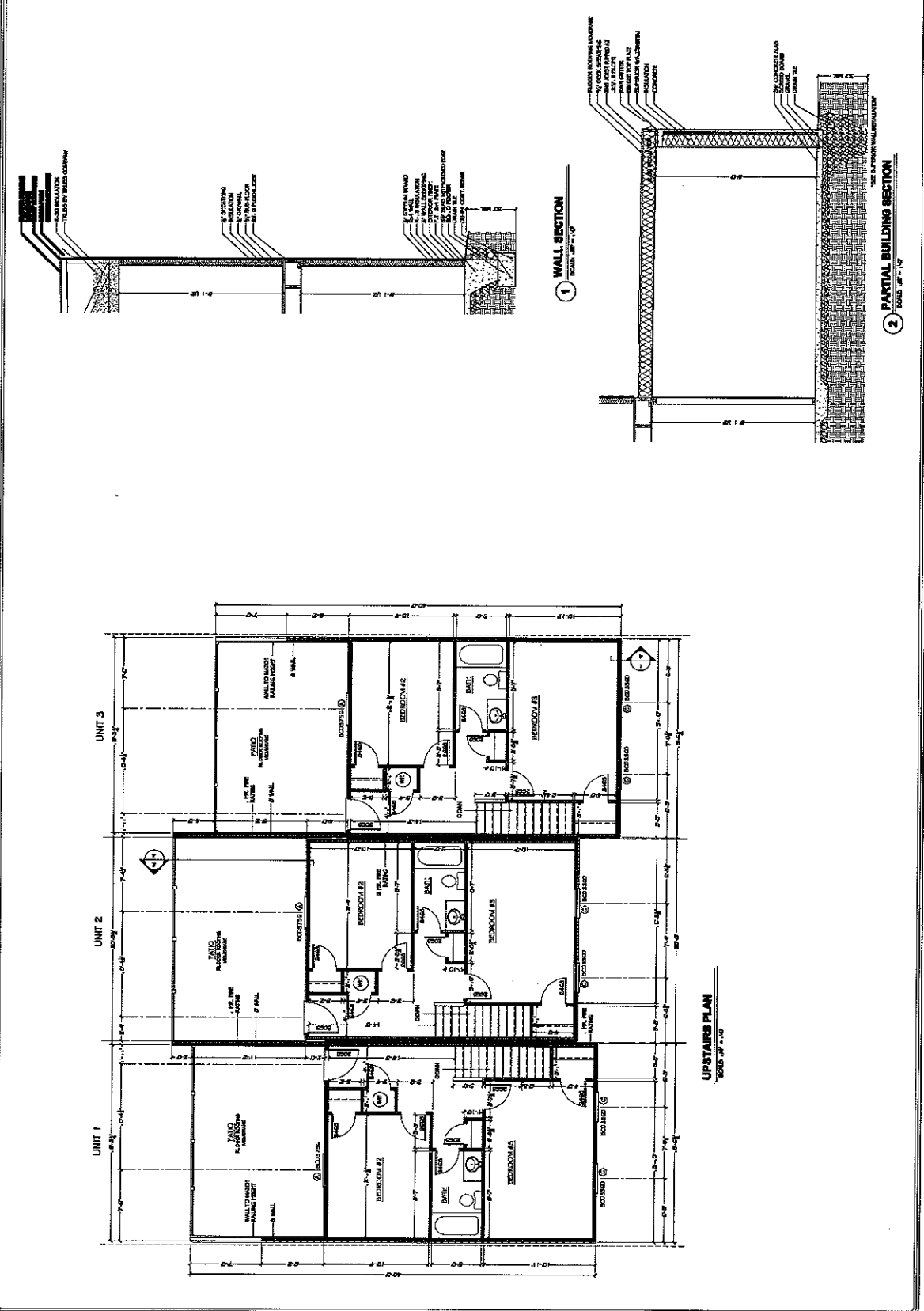
REAR ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"







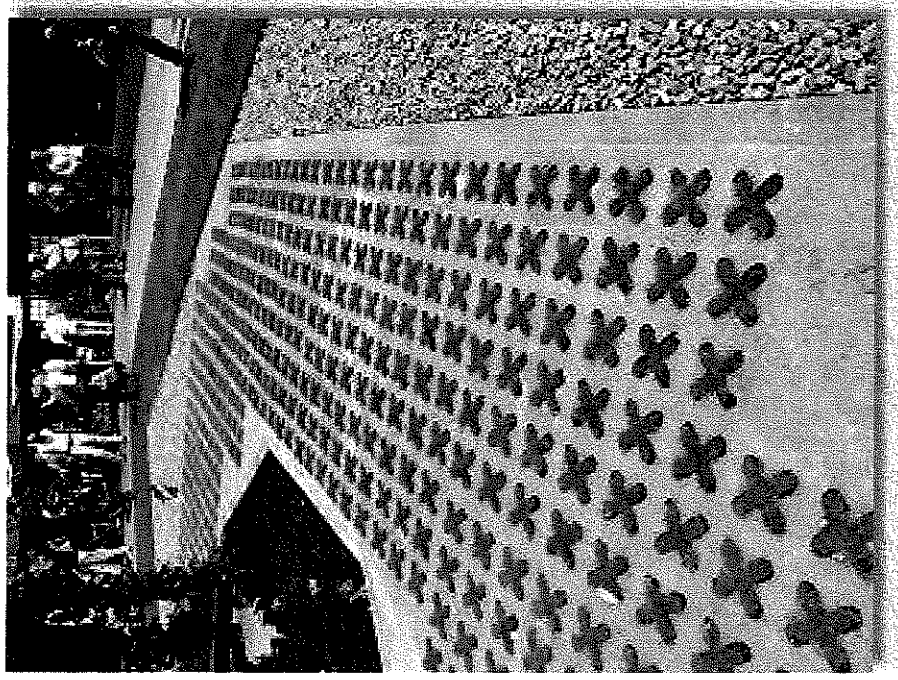
Row Houses



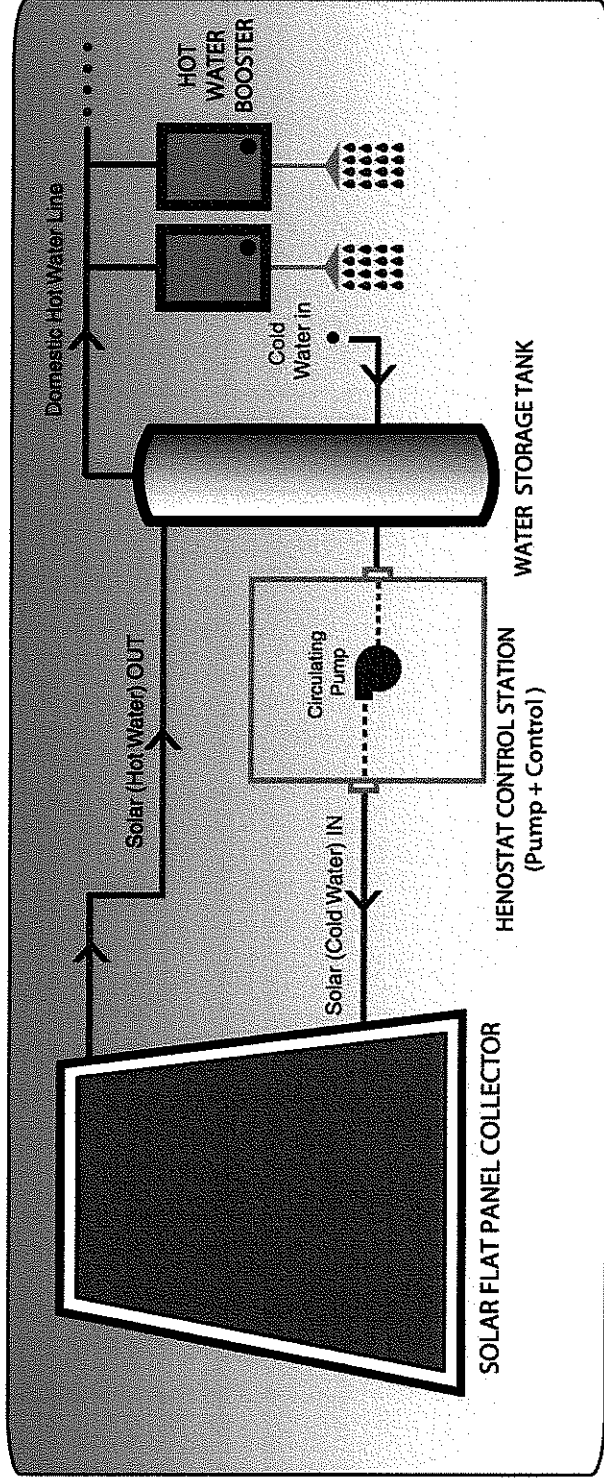
Green Roof



Grasscrete



Solar Hot Water



To Whom It May Concern:

I am requesting multiple variances, concerning lots 549 and 555 Norwood St., with the intention of building three rowhouses on these infill lots. I believe the proposed units would be congruent in this older neighborhood, as it is varied architecturally with a mix of single family and multi unit buildings.

10-2-45 Land Dedication

I feel that land dedication for these lots is an 'unnecessary hardship' as these would be the only lots on the street that would have dedicated land, which would make future street widening improbable.

10-2-41-i(3)

This 50 ft. width would require the demolition of multiple existing homes. Again showing that future expansion is unlikely.

10-2-66, 10-2-67

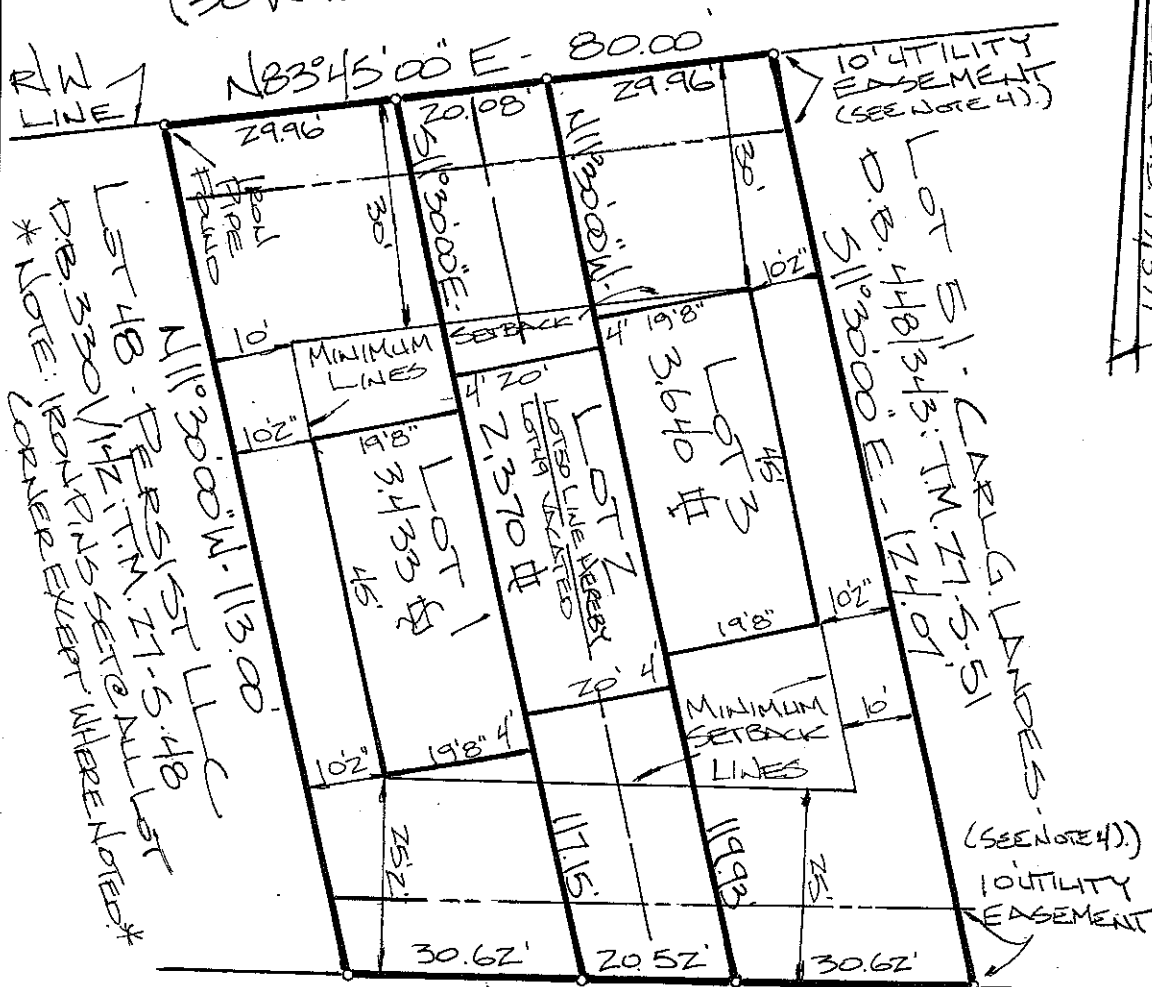
Street improvements would not coincide with the existing street.


Scott Kettelkamp

FEBRUARY 17, 2009 SCALE: 1"=20'

ZOO TO RESERVOIR STREET

NORWOOD STREET
(30' WIDE RIGHT OF WAY)



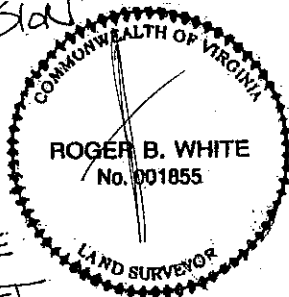
LOT 49 - PERSIST LLC
D.B. 1730/568 T.M. 27-M-6
* NOTE: IRON PINS SET @ ALL LOT
CORNER EXCEPT WHERE NOTED *

LOT 50 - CARLG LANDS
D.B. 1730/568 T.M. 27-M-6
10' UTILITY EASEMENT
(SEE NOTE 4.)
10' UTILITY EASEMENT
(SEE NOTE 4.)

N 88° 30' 00" W. 81.76'
- LOT Z - ANTHONY LAMBERT FORWARD SUBD. -
- LALAL LLC - D.B. 1730/568 T.M. 27-M-6
TOTAL AREA OF PLAT = 9,443 SQ. FT.

SHEET 1 OF 2

FINAL PLAT ON THE RESUBDIVISION
OF LOT 49 & LOT 50 IN THE
"MASTERS BROWN RED HILL" ADDITION
TO HARRISONBURG, LAND IN THE
NAME OF PERSIST LLC, SITUATE
ON THE SOUTH SIDE OF NORWOOD STREET,
IN THE CITY OF HARRISONBURG,
ROCKINGHAM COUNTY, VIRGINIA.



WHITE ASSOCIATES
P.O. BOX 73
BRIDGEWATER, VA 22812
(401) 728-1885

12(a) OWNERS CONSENT & DEDICATION: KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT CONTAINING 9,443 SQ. FT. MORE OR LESS, AND DESIGNATED AS THE RESUBDIVISION OF LOT 49 & LOT 50 IN THE "MASTERS & BROWN" "RED HILL" ADDITION TO HARRISONBURG, SITUATE IN THE CITY OF HARRISONBURG, VIRGINIA, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF THAT ALL STREETS ON SAID PLAT AND PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC USE.

AND THAT ALL LOTS WITHIN THE SUBDIVISION ARE SUBJECT TO CERTAIN RESTRICTIONS, RESERVATIONS, STIPULATIONS AND COVENANTS AS CONTAINED IN A WRITING EXECUTED BY THE UNDERSIGNED, UNDER DATE OF AND RECORDED IN THE CLERK'S OFFICE OF ROCKINGHAM COUNTY IN DEED BOOK PAGE THE SAID 9,443 SQ. FT. OF LAND HEREBY SUBDIVIDED HAVING BEEN CONVEYED TO PERSIST LLC BY ANA JULIA ZELAYA BY DEED DATED DECEMBER 16, 2008 AND RECORDED IN DEED BOOK 3443 PAGE 579 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROCKINGHAM COUNTY VIRGINIA.



DATE: DATE:
GIVEN UNDER OUR HANDS: GIVEN UNDER OUR HANDS

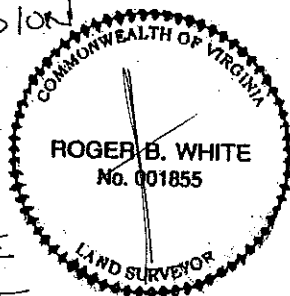
DATE: DATE:
12(b) SURVEYOR'S CERTIFICATE: I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE & BELIEF, ALL OF THE REQUIREMENTS OF OF THE PLANNING COMMISSION, AND ORDINANCES OF THE CITY OF HARRISONBURG, VIRGINIA, REGARDING THE FLATTING OF SUBDIVISIONS WITHIN THE CITY, HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 17th DAY OF FEBRUARY, 2009

ROGER B. WHITE LAND SURVEYOR #001855 COMMONWEALTH OF VIRGINIA.

THIS SUBDIVISION KNOWN AS THE RESUBDIVISION OF LOT 49 & LOT 50 IN THE "MASTERS & BROWN" "RED HILL" ADDITION TO HARRISONBURG, IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

DATE: DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT.
SUBDIVISION NOTES: 1) ZONING IS R-3. 2) OWNER AND ADDRESS: SCOTT A. KETTELKAMP 631 EAST ROCK STREET HARRISONBURG, VA. 22802. 3) TITLE REFERENCE: D.B. 3443/579 TAX MAP: 27-5-49: 27-5-50. 4) SEE NEWLY ESTABLISHED 10' UTILITY EASEMENTS AT FRONT & REAR LOT LINES. 5) ALL 3 LOTS ARE TO BE SERVICED BY PUBLIC WATER & SEWER. 6) NO HOMEOWNERS ASSOCIATION. 7) OVERHEAD & UNDERGROUND UTILITY LINES ARE ALONG THE R/W LINE OF NORWOOD STREET. FEBRUARY 17, 2009 SHEET 2 OF 2

FINAL PLAT ON THE RESUBDIVISION OF LOT 49 & LOT 50 IN THE "MASTERS & BROWN" "RED HILL" ADDITION TO HARRISONBURG, LAND IN THE NAME OF PERSIST LLC, SITUATE ON THE SOUTH SIDE OF NORWOOD STREET IN THE CITY OF HARRISONBURG, ROCKINGHAM COUNTY, VIRGINIA.



WHITE & ASSOCIATES
P.O. Box 73
BRIDGEWATER, VA. 22827
(540) 828-6885

Date Application Received: 03-10-09

Total Paid: _____

Application for Preliminary Subdivision Plat Approval

City of Harrisonburg, Virginia

Fee: w/o Variance Request
Variance Request

\$150.00 plus \$10.00 per lot
\$175.00 plus \$10.00 per lot

Plus fees for TIA reviews where
applicable (see back for details)

I, Scott Kettelkamp (Persist LLC), hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

Description of Property

Title of Subdivision: _____

Location (Street Address): 549-555 Norwood St. Sheet: _____ Block: _____ Lot: _____

Total Acreage: _____ Number of Lots Proposed: 3 Zoning Classification: R-3

Proposed Use of Property: Residential Townhomes

Property Owner's Name: Persist LLC (Scott Kettelkamp, Manager)

Street Address: 631 E Rock St Email: _____

City: Harrisonburg State: VA Zip: 22802

Telephone: Work (540) 607-0469 Fax _____ Mobile _____

Owner's Representative (if applicable): _____

Street Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Telephone: Work _____ Fax _____ Mobile _____

Developer: _____

Telephone: _____ Email: _____

Surveyor/Engineer: Roger White

Telephone: (540) 828-6885 Email: _____

VARIANCES

NOTE: If a variance is requested, please provide the following information:

I (we) hereby apply for a variance from Section 10-2-41-i-(3) / 10-2-45 / 10-2-66 / 10-2-67 of the City of Harrisonburg Subdivision Ordinance and/or Section _____ of the City of Harrisonburg Design and Construction Standards Manual, which require(s):

Street right-of-way widths shall be as shown on the major street plan, and where not shown thereon such widths shall not be less than as follows:
(3) Minor Street, feet... 50

I (we) believe a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question (See Section 10-2-2 of the Subdivision Ordinance):

See attached letter.

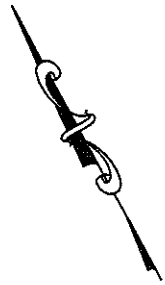
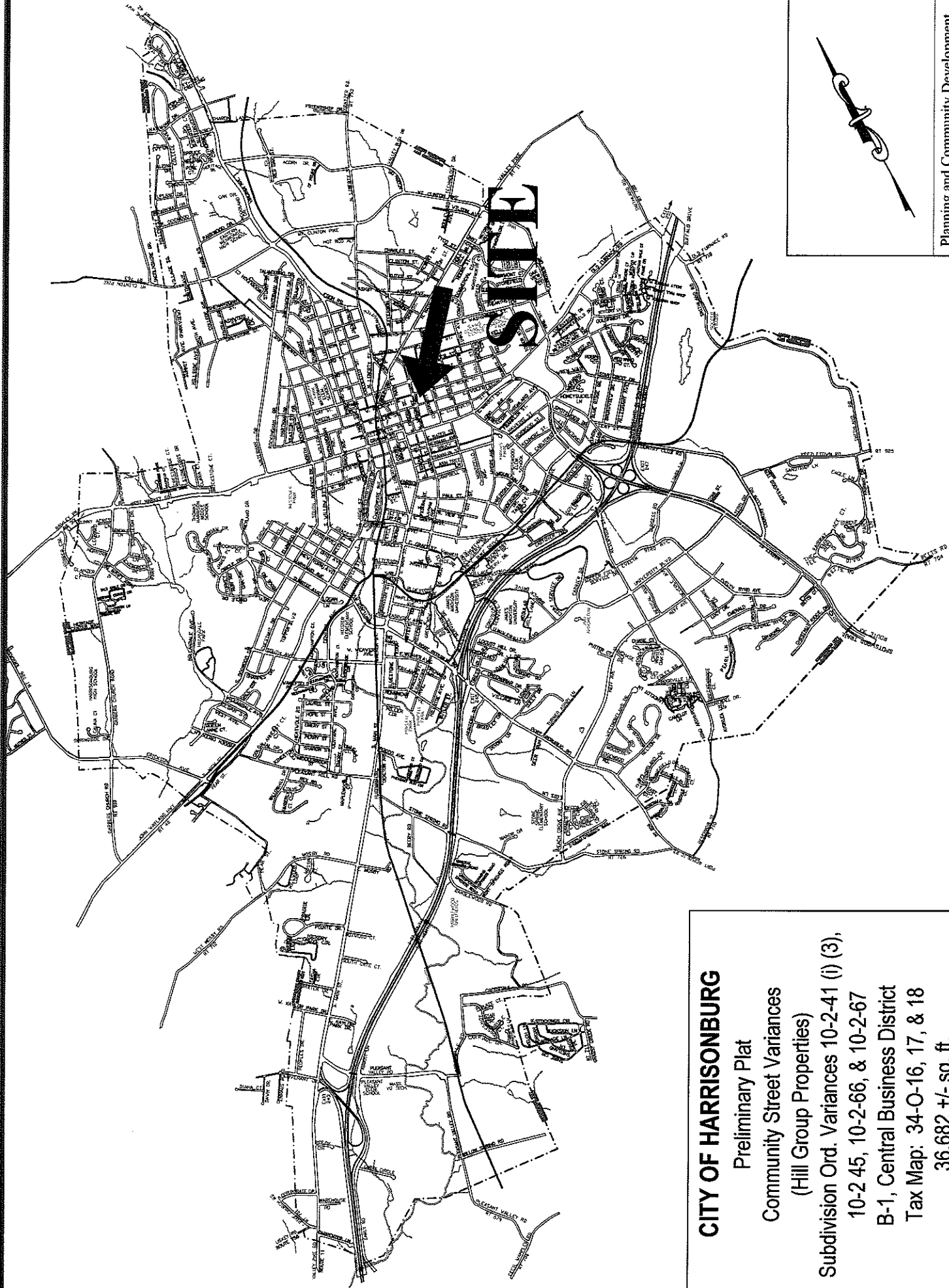
The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance, Sections 10-2-1 through 10-2-86. Please read these requirements carefully.

Certification: I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.

Signature: Scott Kettelkamp
Property Owner

Signature: _____
Applicant, if different from owner

See Back for Additional Application Fees Regarding TIA Reviews

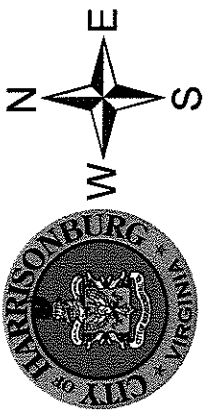
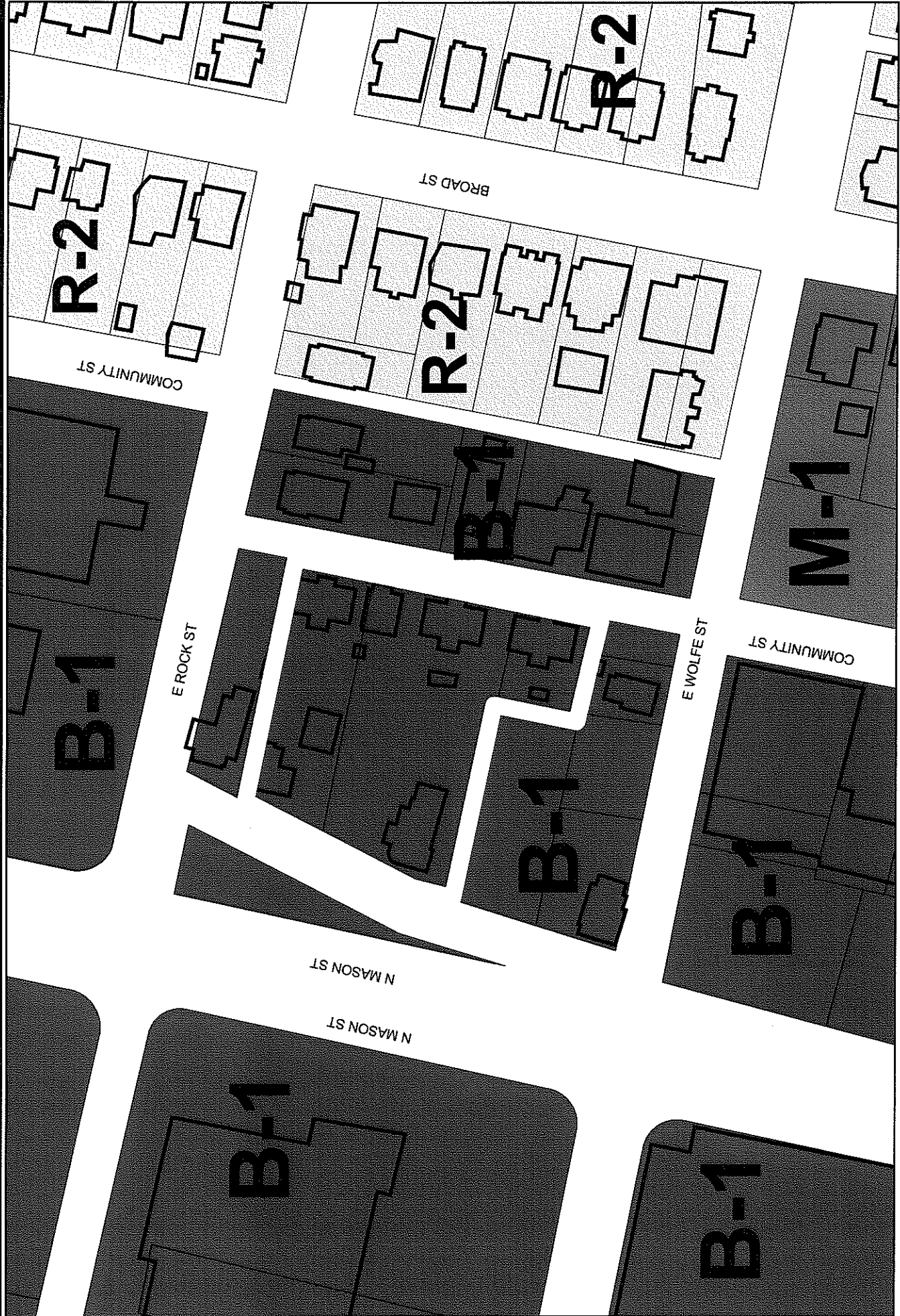


Planning and Community Development
City of Harrisonburg, Virginia

CITY OF HARRISONBURG

Preliminary Plat
Community Street Variances
(Hill Group Properties)
Subdivision Ord. Variances 10-2-41 (i) (3),
10-2-45, 10-2-66, & 10-2-67
B-1, Central Business District
Tax Map: 34-O-16, 17, & 18
36,682 +/- sq. ft.

LOCATION MAP



Hill Group - Community St Variance Preliminary Plat Request



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 10, 2009

PRELIMINARY PLAT – HILL PROPERTIES – COMMUNITY STREET VARIANCES

GENERAL INFORMATION

Applicant: Hill Group Properties
Tax Map: 34-O-16, 17, & 18
Acreage: 36,682 +/- square feet
Location: Lots located between Community Street and old North Mason Street
Request: Consider a request to preliminarily subdivide three lots into six lots with variances to the Subdivision Ordinance Sections 10-2-41 (i) (3), 10-2-45, 10-2-66, and 10-2-67.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The following land uses are located on and adjacent to the property:

Site: Six dwelling structures located upon three lots, zoned B-1
North: Single family home, zoned B-1
East: Across Community Street, barber shop and dwelling units, zoned B-1
South: Vacant lot and dwelling units, zoned B-1
West: Across old North Mason Street and North Mason Street, commercial uses, zoned B-1

EVALUATION

The applicant is requesting to preliminarily subdivide three lots, zoned B-1, Central Business District, into six lots. The properties, which include three single family structures, three duplexes (one of which was recently destroyed by a fire), and several outbuildings, are located within the block bordered by Community Street, East Wolfe Street, old North Mason Street, and East Rock Street. The purpose of the subdivision is to place each dwelling structure on its own lot. The applicant is also requesting variances to deviate from the requirements of Sections 10-2-41 (i) (3), 10-2-45, 10-2-66, and 10-2-67 of the Subdivision Ordinance, which require the dedication of right-of-way and any necessary street improvements.

After submitting an application to subdivide these properties through an administrative minor subdivision process, staff notified the property owner that both Community Street and old North Mason Street did not have the required 50 feet of right-of-way or the required street infrastructure, and therefore would be required to dedicate the necessary right-of-way and build the street improvements. However, given the fact that the subject property has existing structures that are situated approximately three to six feet from the property line and due to the unusual layout and use of old North Mason Street, staff understood this subdivision was unique and unlike similar variance requests.

Currently, Community Street has 25 feet of right-of-way with about 15 feet of pavement; sidewalk exists only along the frontage of the applicant's frontage, and the street has no curb or guttering. In this particular situation, the applicant would be required to dedicate 12.5 feet of right-of-way and widen the street to help accommodate 30-feet of pavement with curb, guttering, and a five-foot sidewalk along with a two foot grass strip. However, because the buildings sit so close to the front property line, the property owner could not dedicate the required amount right-of-way without removing the existing structures. The applicant, however, has pledged to dedicate right-of-way close to the existing porch foundations, which is what staff recommended. Due to the structures' skewed alignments to the street, the applicant will dedicate variable widths of property to the City to help accommodate future street improvements; widths will vary from 3.4-feet to 5.5-feet. Staff recommends, as we have with other requests, for the applicant to receive the variance to not build the street improvements to allow future improvements to occur comprehensively.

On the other side of the block, the applicant has about 162 feet of property frontage along old North Mason Street. This one-way street is a remnant portion of the original street that was improved and relocated in the early 1960's to make way for the four-lane section of what is now North Mason Street. The City owns the right-of-way of old North Mason Street, the right-of-way that encompasses North Mason Street, and the triangular shaped parcel between these streets; therefore, the City does not necessarily need additional right-of-way dedicated along this frontage. However, staff suggested the applicant dedicate right-of-way to ensure all areas of the existing sidewalk be included in public property. The plat illustrates where the applicant is dedicating small variable widths to the City to accommodate that request. Additionally, due to the unusual use of this one-way street, staff is also requesting the applicant receive the same variance to not build the standard street improvements for this small, uncommon street.

Since the properties are zoned B-1, there are no area or dimensional requirements and no setback requirements; and other than the above requested variances, the proposed request meets all other subdivision requirements. The applicant should be aware however, since they are planning to reconstruct the structure damaged by the recent fire, the proposed property boundary location, to the north of that building, is important to specific requirements of the Building Code. Once they finalize the location of that property boundary, the applicant should work with the Building Division to determine if they are required to meet specific Building Code requirements such as increased rating protection.

Staff supports this preliminary plat and the four variance requests to deviate from Sections 10-2-42 (i) (3), 10-2-45, 10-2-66, and 10-2-67 with the condition that the applicant dedicates right-of-way as shown on the preliminary plat along Community Street and along old North Mason Street.

Hill Group Properties

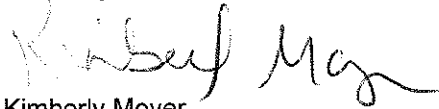
2 S. Main Street
Suite M
Harrisonburg, VA 22801
540-437-0193

To Whom It May Concern:

Hill Group Properties, LLC is applying for variances to the following sections – 10-2-45, 10-2-41 I3, 10-2-66, and 10-2-67. We are unable to provide the required Right Of Way due to the fact that the improvements are situated so close to the street that the Right Of Way would go through the structures. We would be willing to give a Right Of Way up to the porch of each structure. Thank you very much for your consideration to this matter.

If you have any questions, please call me at 476-4442.

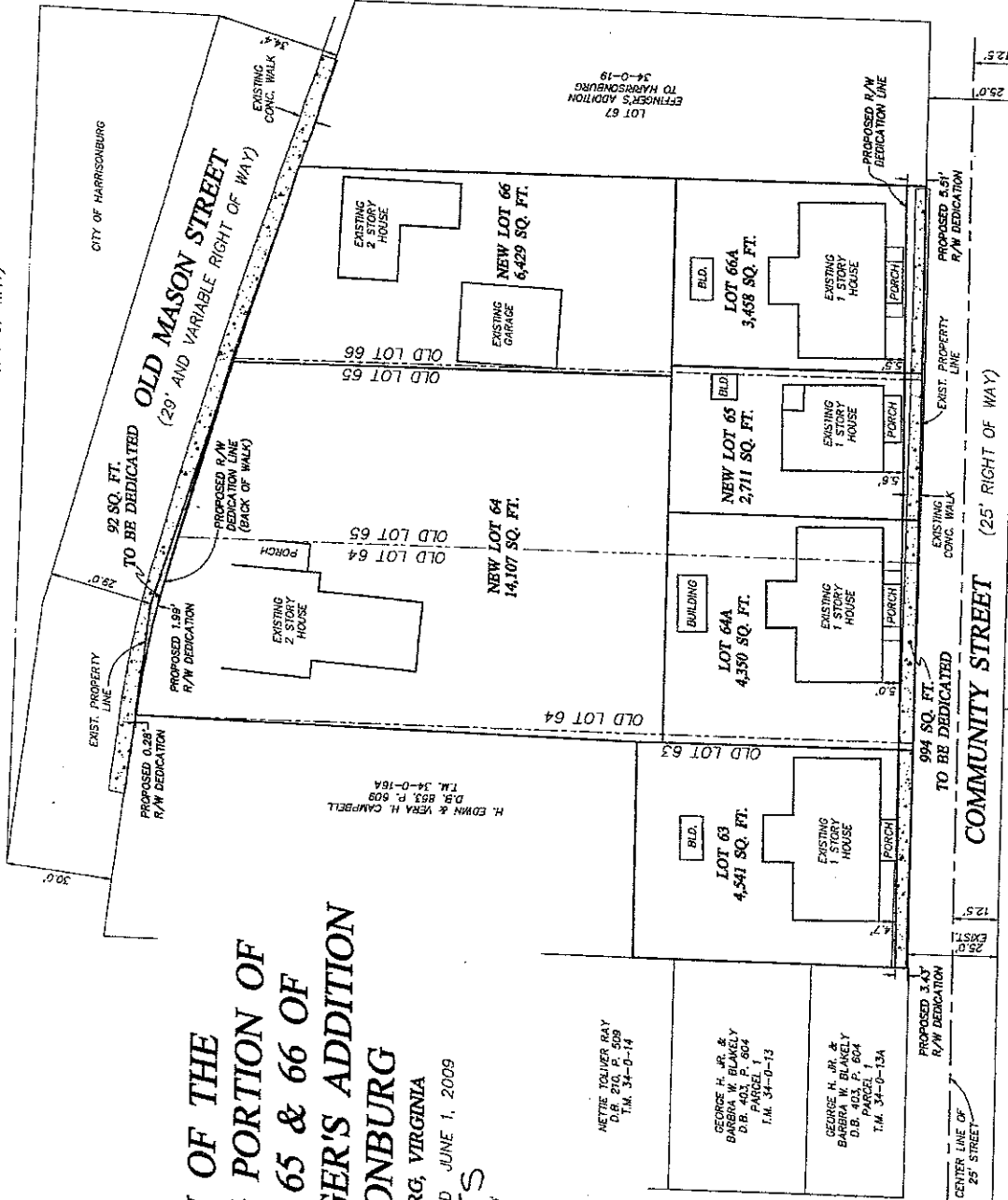
Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Moyer", written in a cursive style.

Kimberly Moyer
Property Manager

MASON STREET
(83' AND VARIABLE RIGHT OF WAY)

ROCK STREET



**PROPOSED
REDIVISION OF THE
REMAINING PORTION OF
LOT 63, 64, 65 & 66 OF
THE EFFINGER'S ADDITION
TO HARRISONBURG**

CITY OF HARRISONBURG, VIRGINIA

MAY 12, 2009 REVISED JUNE 1, 2009

SCALE 1" = 20' NTS



WOLF STREET

COMMUNITY STREET
(25' RIGHT OF WAY)

SIMMONS SURVEYING, P.C.
1061 C SOUTH HIGH ST. UNIT G
HARRISONBURG VA 22801
(540) 432-0420

Date Application Received: 05-12-09

Total Paid: \$ 235.00 AF

Application for Preliminary Subdivision Plat Approval

City of Harrisonburg, Virginia

Fee: w/o Variance Request \$150.00 plus \$10.00 per lot
Variance Request \$175.00 plus \$10.00 per lot
Plus fees for TIA reviews where applicable (see back for details)

I, Kimberly Moyer, hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

Description of Property

Title of Subdivision: _____
Location (Street Address): 213-249 Community + 222 + 242 N Mason Sheet: _____ Block: _____ Lot: _____
Total Acreage: _____ Number of Lots Proposed: 6 Zoning Classification: B1
Proposed Use of Property: residential

Property Owner's Name: Hill Group Properties
Street Address: 2 S main St Suite M Email: Kmoyer95@aol.com
City: Harrisonburg State: Va Zip: 22801
Telephone: Work 476-4442 Fax _____ Mobile 476-4442

Owner's Representative (if applicable): Kimberly Moyer
Street Address: same Email: _____
City: _____ State: _____ Zip: _____
Telephone: Work _____ Fax _____ Mobile _____

Developer: _____
Telephone: _____ Email: _____

Surveyor/Engineer: Jeff Simmons
Telephone: 432-0420 Email: _____

VARIANCES

NOTE: If a variance is requested, please provide the following information:

I (we) hereby apply for a variance from Section 10-2-45, 10-2-66 of the City of Harrisonburg
Subdivision Ordinance and/or Section 10-2-41, 10-2-67 of the City of Harrisonburg Design and
Construction Standards Manual, which require(s):

See attached letter

I (we) believe a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question (See Section 10-2-2 of the Subdivision Ordinance):

See attached letter

The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance, Sections 10-2-1 through 10-2-86. Please read these requirements carefully.

Certification: I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.

Signature: [Signature] Property Owner
Signature: _____ Applicant, if different from owner

See Back for Additional Application Fees Regarding TIA Reviews

TIA Review Fees

- (a). Would the development from this preliminary plat require a Traffic Impact Analysis by VDOT?
Yes _____ No X

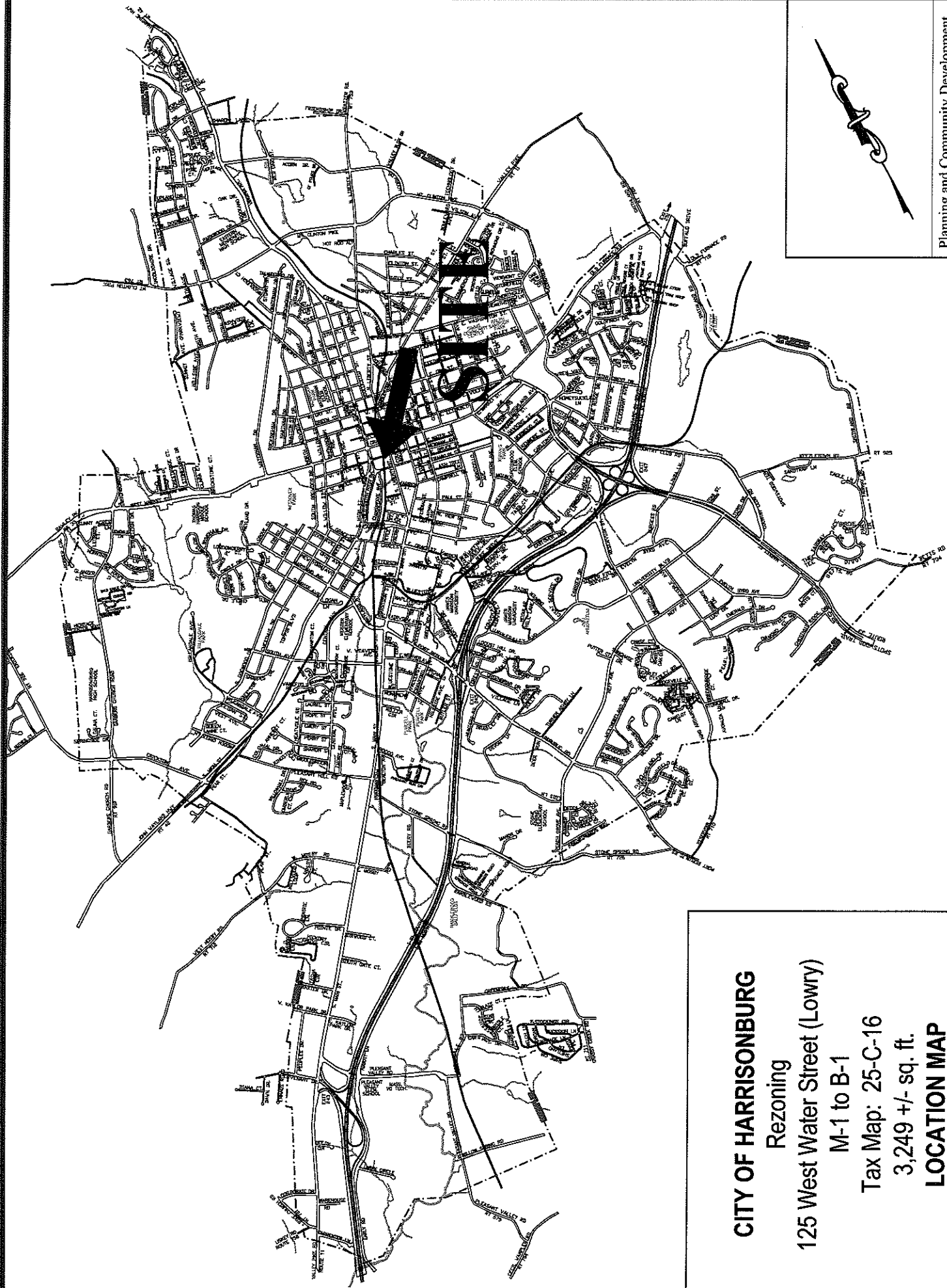
If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b). Would the development from this preliminary plat require a Traffic Impact Analysis review by the City?
Yes _____ No X

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.



Planning and Community Development
City of Harrisonburg, Virginia

CITY OF HARRISONBURG

Rezoning

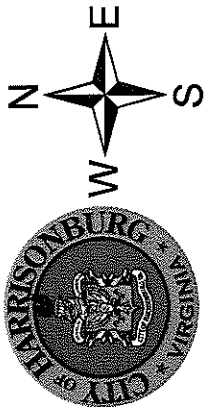
125 West Water Street (Lowry)

M-1 to B-1

Tax Map: 25-C-16

3,249 +/- sq. ft.

LOCATION MAP



125 West Water Street (Lowry) Rezoning M-1 to B-1



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 10, 2009

REZONING – 125 WEST WATER STREET (M-1 TO B-1)

GENERAL INFORMATION

Applicant: Craig Steve Lowry and Carol Ann Lowry
Tax Map: 25-C-16
Acreage: 3,249 square feet
Location: 125 West Water Street
Request: Public hearing to consider a request to rezone one lot from M-1, General Industrial District to B-1, Central Business District.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The following land uses are located on and adjacent to the property:

Site: Non-conforming retail businesses, zoned M-1
North: Across West Water Street, jail facility, zoned B-1
East: Parking lot for Rosetta Stone building currently under renovation, zoned B-1
South: Parking lot for Rosetta Stone building currently under renovations, zoned B-1
West: Across Norfolk Southern Railroad, non-conforming dwelling unit, zoned M-1

EVALUATION

The applicant is requesting to rezone a 3,249 square foot parcel along West Water Street from M-1, General Industrial District to B-1, Central Business District. Currently, the property is non-conforming to land use, setback regulations, and parking requirements. Approving this request would bring the property into zoning conformance.

The initiating reason the property owner applied to rezone their parcel was due to a complication they had with a minor subdivision to swap square footage between their lot and the Rosetta Stone parcel that surrounds their property on two sides. Staff could not approve the minor subdivision because it was unable to meet all of the requirements of the Subdivision Ordinance, which related to the Zoning Ordinance’s setback regulations. In short, the minor subdivision would have adjusted two property

boundaries, one of which was the only property boundary that currently met setback regulations, and therefore could not be approved. Staff informed the applicant the only way to make the minor subdivision work was if their property was zoned B-1. At the same time, staff also informed the applicant that their property was non-conforming to land use, setback regulations (on three sides), and to the requirements of the parking regulations. In fact, it would be extremely difficult, if not impossible for the property to provide the necessary amount of parking for any use due to the size and layout of their lot. Staff explained to the property owner that rezoning their parcel would not only allow them to proceed with their subdivision but it would also bring their property entirely into zoning conformance.

Staff has no concerns with this rezoning application and believes that it would make the property more viable for the existing and future land use potential. The proposal is consistent with the recent rezoning of the Rosetta Stone property, and as illustrated by the Comprehensive Plan, it falls within the Downtown Revitalization Area while also complying with the Comprehensive Plan's land use designation. Staff supports the request as presented and a favorable recommendation to City Council.

WELBY C. SHOWALTER

ATTORNEY AND COUNSELOR AT LAW

66 WEST WATER STREET

HARRISONBURG, VA 22801

540-433-8331

FAX 540-433-5804

Adam Fletcher
Senior Planner
City of Harrisonburg
409 South Main Street
Harrisonburg, VA 22801

HAND DELIVERED

RE: Craig Steven Lowry
Carol Ann Lowry

Dear Adam:

Pursuant to our recent phone conversations with reference to the above owners, please find enclosed an application for re-zoning as well as all supporting documentation. The Lowrys proposed use of the property is the same as currently exists, that is, retail and service businesses. As you know, their property is an island of M-1 Zoning surrounded by B-1 properties and we simply wish to bring it into conformity with other properties in the neighborhood.

I trust you will find everything in order, but if not, please do not hesitate to contact me.

Sincerely yours,



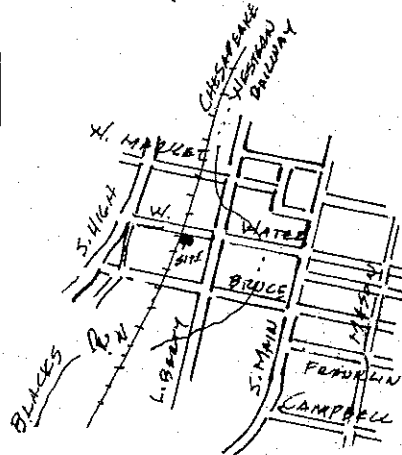
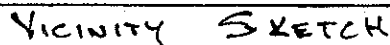
Welby C. Showalter

WCS/jg

cc: Lowrys (mail)
cc: Catherine Runion (fax)

SCALE: 1"=20'
DATE: 31 MAR 09

RECEIVED
 71 MAR 09
 NORTHWEST INC
 50172 (A) 1251
 SOUTHERN LANE SURVEY



I hereby certify that to the best of my knowledge and belief, all of the requirements of the Planning Commission, City Council and ordinances of the City of Harrisonburg, Virginia, regarding the platting of Subdivisions within the City have been Complied with.


Robert F. Jellum

THIS DEED, made this 12th day of June, 2006, by and between **WATER STREET INVESTMENTS, LLC**, a Virginia limited liability company, GRANTOR, and **CRAIG STEVEN LOWRY** and **CAROL ANN LOWRY**, husband and wife, GRANTEES.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the Grantee to the Grantor and of other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor does hereby grant and convey with General Warranty and English Covenants of Title unto **CRAIG STEVEN LOWRY** and **CAROL ANN LOWRY**, husband and wife, as tenants by the entirety with rights of survivorship as at common law, Grantees herein, all that certain tract or parcel of land containing 3,248 square feet, more or less, together with any improvements thereon, and all rights, privileges, appurtenances, easements and rights-of-way thereunto belonging or in anywise appertaining, located at 115 W. Water Street in the City of Harrisonburg, Virginia, and being shown on a title survey prepared by Robert F. Jellum, C.L.S., dated March 23, 2004, and more particularly described by the metes and bounds description, both of which are recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 2495, page 569.

Tax Map Number
25 C 16

Drafted By
CLARK & BRADSHAW, P.C.
ATTORNEYS AT LAW
92 NORTH LIBERTY STREET
P O BOX 71
HARRISONBURG, VIRGINIA
22803

TCR/chs
19538AB

The real estate herein conveyed is the identical property acquired by the Grantor herein by deed dated May 28, 2004, from Interstate Service Corporation, a Virginia corporation, which deed is recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 2495, page 566.

This deed is made expressly subject to easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the property herein conveyed, which have not expired by limitation of time contained therein, or otherwise become ineffective.

IN WITNESS WHEREOF, Water Street Investments, LLC has caused this Deed to be signed in its name and on its behalf as thereunto duly authorized:

WATER STREET INVESTMENTS, LLC,
a Virginia limited liability company

By:  (Member) (Seal)
JAMES C. McHONE, Member

By:  (Member) (Seal)
NOLAND W. McHONE, Member

COMMONWEALTH OF VIRGINIA,
CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction
aforesaid this 7th day of ^{July} ~~June~~, 2006, by JAMES C. McHONE and NOLAND W.
McHONE, Members of Water Street Investments, LLC, a Virginia limited liability
company, on behalf of said company.

My commission expires: March 31, 2009


NOTARY PUBLIC

After recordation return to
Grantee's mailing address:

111 Sunbright Drive
Bridgewater, VA 22812

Date Application Received: 05-12-09

Total Paid: \$350.00 AF

Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Craig Steven Lowry and Carol Ann Lowry
Street Address: 111 Sunbright Drive Email: _____
City/State/Zip: Bridgewater VA 22812
Telephone (work): 540-433-6323 (home or cellular): 540-828-3344 (fax): N/A

Section 2: Owner's Representative Information

Name: Welby C. Showalter
Street Address: 66 West Water Street Email: office@wcsattorney.com
City/State/Zip: Harrisonburg VA 22801
Telephone (work): 540-433-8331 (home or cellular): Personal (fax): 540-433-5804

Section 3: Description of Property

Location (street address): 125 W. Water Street, Harrisonburg VA 22801
Tax Map Number: Sheet: 25 Block: C Lot: 16 Total Land Area (acres or square feet): 3249 square feet
Existing Zoning District: M-1 Proposed Zoning District *: B-1
Existing Comprehensive Plan Designation: Mixed use development area

**If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?
Yes _____ No X

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE – *If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?
Yes _____ No X

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE – *If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

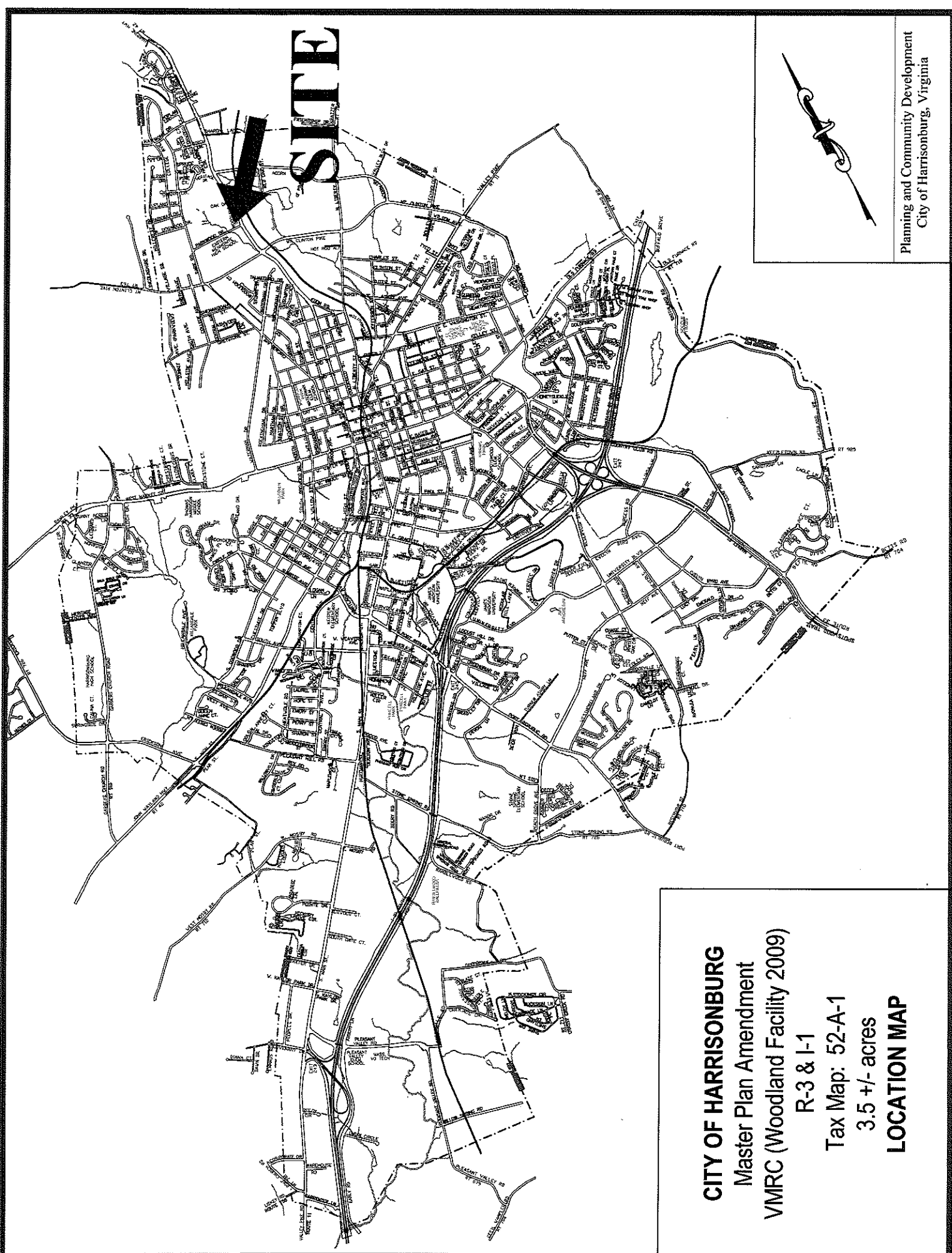
North: Rockingham-Harrisonburg Judicial Complex (Jail)
East: Rosetta Stone, Ltd.
South: Rosetta Stone, Ltd.
West: Chesapeake & Western Railway

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: _____

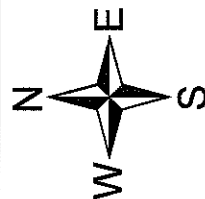
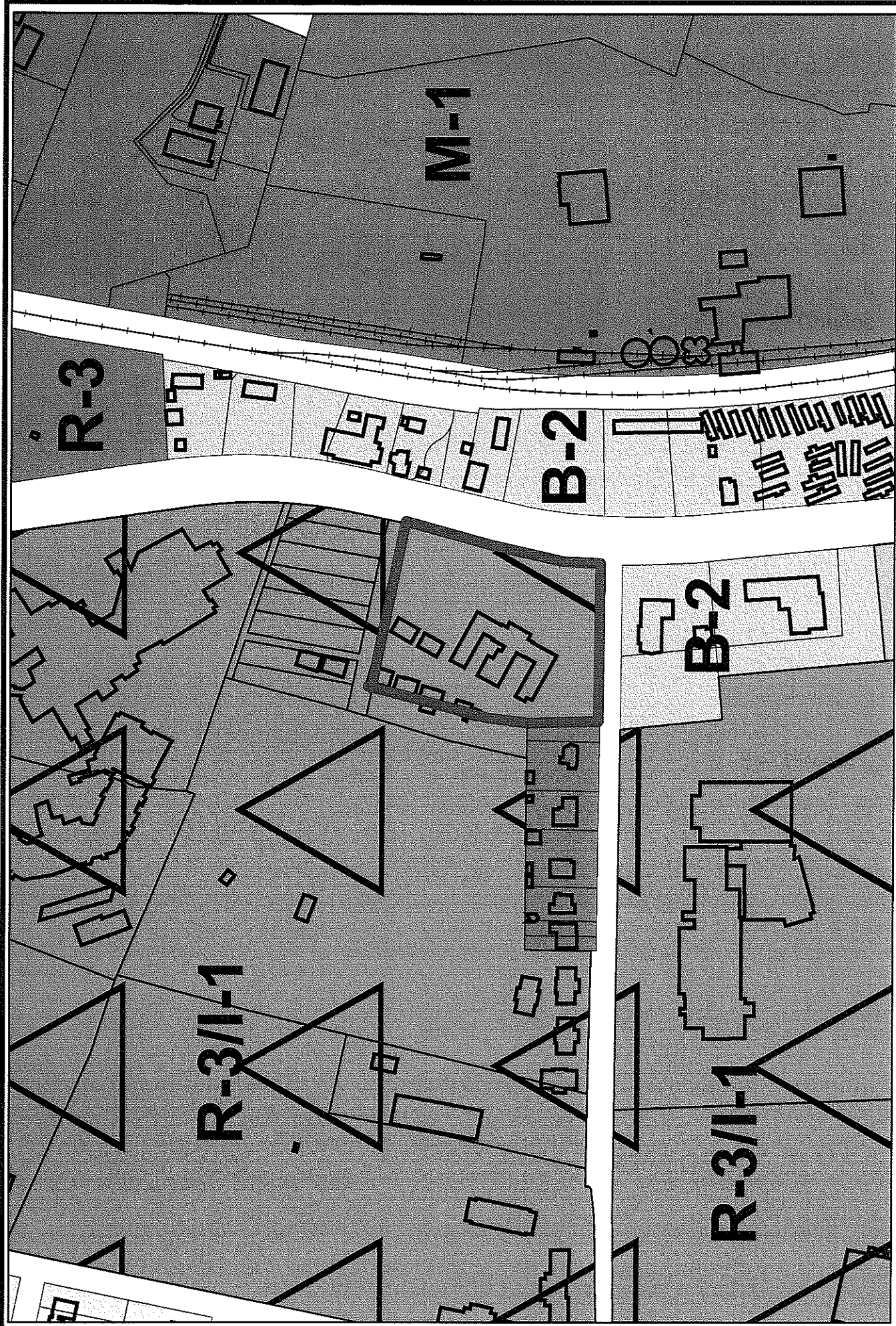
Property Owner

See Back for Items Required for Submission



Planning and Community Development
City of Harrisonburg, Virginia

CITY OF HARRISONBURG
Master Plan Amendment
VMRC (Woodland Facility 2009)
R-3 & I-1
Tax Map: 52-A-1
3.5 +/- acres
LOCATION MAP



VMRC Master Plan Amendment (2009)



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 10, 2009

VMRC MASTER PLAN AMENDMENT (2009)

GENERAL INFORMATION

Applicant: Virginia Mennonite Home, Inc. (VMR)
Tax Map: 52-A-1
Acreage: 3.5 +/- acres
Location: 1301 Virginia Avenue
Request: Public hearing to consider a request to amend an approximate 3.5 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions which provide for the shelter and care of people.

The following land uses are located on and adjacent to the property:

Site: Woodland building, zoned R-3/I-1
North: Crestwood assisted living facility and Oak Lea nursing facility, zoned R-3/I-1
East: Across Virginia Avenue, undeveloped parcel and non-conforming dwellings, zoned B-2
South: Across Parkwood Drive, VA Mennonite Conference Center and undeveloped parcel, zoned B-2
West: Single-family dwellings, zoned R-3 and Eastern Mennonite University, zoned R-3/I-1

EVALUATION

The applicant is requesting to amend a portion of the Virginia Mennonite Retirement Community (VMRC) master plan. A master plan is needed whenever any parcel, or parcels, in the City are applying to be included in the institutional overlay district. This district allows unique developments for certain nonprofit institutional uses such as colleges and universities, hospitals, offices or nonprofit organizations and community assembly uses and institutions providing for the shelter and care of persons. An approved master plan for development may include uses which do not meet dimensional or parking requirements. Every request for an institutional overlay requires the submission of an accompanying master plan to show how the development will occur. Subsequent changes to the approved master plan are accomplished by the same procedure.

VMRC is a 46.2 +/- acre property comprised of three subsidiaries; Park Village, Inc., Heritage Haven Inc, and Virginia Mennonite Home, Inc. An institutional overlay master plan for the original 45 +/-

acre tract of VMRC was approved in March 1997. In June 2004, an addition was made to the 1997 plan when 1.2 +/- acres along Park Road was added to the Park Village, Inc. subsidiary of VMRC. With the current request, the applicant would like to modify the allowable uses for the Woodland facility, a 3.5 acre parcel located at 1301 Virginia Avenue, which was approved as part of the original master plan.

The Woodland facility was designated as a home for adults on the 1997 VMRC master plan. The intent was to continue using Woodland until the proposed Adult Care Residence (Crestwood) was available for occupancy, which occurred in November 1999. Although a new usage for the Woodland facility was never specified within the approved master plan, it has been used by Pleasant View for a day program, by Woodland Montessori School, offices for several nonprofit organizations, and student housing. Earlier this year, planning staff was approached by Harrisonburg Rockingham Child Day Care Center about relocating their facility to the Woodland building. Child day care centers are permitted uses within the underlying R-3 zoning classification; however, the site would be short of the required number of parking spaces necessary for this type of use. Also, because the approved master plan designated the Woodland building for an adult home, staff informed them that an amendment would need to be made to the plan. If the amendment is approved, it would alleviate the parking issue as well as update the master plan for this facility; an undertaking that should have been initiated after the home for adults was removed and before subsequent uses were utilized.

The Woodland building is a two-story brick structure of approximately 34,500 square feet. Harrisonburg Rockingham Child Day Care Center would occupy 15,504 square feet of the building. Currently, there are 25 parking spaces located in front of the Woodland facility, and staff has counted an additional 27 spaces within 300 feet of the building that are available for use by the day care center or other future occupants of the building. Behind the building is an area that could be utilized as parking; however, the parking spaces are not marked, which would be a requirement prior to making use of it as parking. The Zoning Ordinance does not have a specified parking ratio for child day care centers; therefore, parking requirements are calculated at the retail ratio; a rate that staff often believes is too stringent for this type of use. If this building was not part of a master plan, the proposed day care center at this location would be required to provide one parking space for every 250 square feet of gross floor area; for a total of 63 parking spaces. VMRC is also requesting to allow the building to be used for rental offices and student housing and although offices and housing are not currently planned in conjunction with the child day care center, if approved, the building could accommodate all three at the same time. The existing 52 parking spaces falls short of the parking requirements whether the day care alone is occupying the building or if multiple uses are in operation; but staff feels parking should not be an issue in this particular situation.

VMRC has also discussed with planning staff that the long range plans for this portion of their facility include the demolition of the Woodland facility and construction of several new buildings, creating a new, livable community for VMRC residents. The child day care center would then be incorporated into another area of VMRC. Staff has informed them that this would require another amendment to the master plan for this complex.

Staff supports the request for amendment to this portion of the master plan and feels the parking is sufficient for the proposed uses.

Virginia Mennonite Retirement Community
Harrisonburg, Virginia

May 11, 2009

Master Plan Narrative

The attached Master Plan of the Virginia Mennonite Retirement Community is being submitted for review and approval under Section 10-3-106, "Master Plan Requirements". This Narrative follows the guidelines of Section 10-3-106, items 1 - 4. Note:

Item 1:

The total property consists of 46.242 acres under the umbrella of Virginia Mennonite Retirement Community, Inc. (VMRC). Within this umbrella are three organizations that bear legal title to their respective properties:

Park Village Inc.	24.617 Acres
Heritage Haven Inc.	7.560
<u>Virginia Mennonite Home, Inc.</u>	<u>14.065</u>
TOTAL	46.242 Acres

The entire site is roughly bounded to the east by Virginia Avenue, to the south by Parkwood Drive, to the west by Park Road, and to the north by Harmony Heights. Within the property (Park Village Inc.), Shank Drive, Hawthorne Circle, Villa Drive, Pine Court, and Spruce Court are dedicated public streets. Refer to the attached "Master Site Plan".

The building, commonly referred to as Woodland, is included in the property that bears legal title under Virginia Mennonite Home, Inc. Until November, 1999, VMRC used Woodland as a home for adults. Those residents were relocated to Crestwood when it was completed. Since that time it has been partially used by Pleasant View for a day program, by Woodland Montessori School, offices for several non profit organizations, and student housing.

VMRC is requesting a change in the use designation of the Woodland building from Home for Adults (assisted living) to children's day care center, rental offices, and student housing. The primary use will be for a children's day care center. We are also requesting that the 25 parking spaces shown in front of the building and the 27 spaces shown on Woodland Drive be approved as adequate parking for the day care center.

Item 2:

The locations of the existing buildings are illustrated on the attached "Master Site Plan." Their respective uses and other data:

- I. Within **Park Village Inc.**, all of the buildings are existing, and house independent residents (minimum age is 60 years). In the Village, there are 88 units in duplexes, fourplexes, and sixplexes. These are mostly single story, some with a lower level walk out. Village Hall, a one story structure, serves this resident community as a place for meetings and social events.
 - Park Place is a three story, 88 unit, independent residential building.
 - Park Gables is a five story independent housing building with a partial basement. The main floor houses a collection of campus common functions, while the upper floors contain 88 apartments.
 - The Maintenance Barn, a two story structure for campus maintenance functions.
- II. Within **Heritage Haven, Inc.** all of the buildings are existing. Heritage Haven is a three story, 150 unit independent housing project. Attached to this structure is a two story facility that houses the VMRC Corporate offices and Detwiler Auditorium which is used for meetings and social events.
- III. Within **Virginia Mennonite Home, Inc.** all of the facilities are existing:
 - Woodland, a two story building with a partial basement that is currently vacant.
 - Woodland Cottages, seven one story independent housing units
 - Oak Lea, a 120 bed nursing facility in a two story configuration
 - Wellness Center, a two story structure, housing a pool for water therapy, exercise rooms, therapy rooms, space for Wellness education, as well as support rooms (administrative offices, lockers, etc.)
 - Crestwood, a three story assisted living building with 9 two room suites and 77 single rooms.

A recap of the total campus is as follows:

FACILITY	BEDS/UNITS	SERVICE
Oak Lea Nursing Home	120	Nursing Care
Crestwood	86	Asst. Living
Woodland	-	Vacant
Woodland Cottages	7	Ind. Living
Heritage Haven	150	Ind. Living
Park Village	88	Ind. Living
Park Place	88	Ind. Living
Park Gables	88	Ind. Living
Wellness Center	-	<u>Wellness Programs</u>
TOTAL	627	

Item 3:

Existing parking is illustrated in the attached Master Site Plan. The proposed location for the children's day care center shows 25, (one handicap) parking spaces in front of the building with additional parking available to the north of the building on Woodland Drive. Those two lots will provide ample parking for the day care center staff and visitors.

The existing vehicular access to the campus will remain as is. There are currently five entry points from adjacent public streets; two from Park Road, two (including the campus 'main entry') from Virginia Avenue, and one from Parkwood Drive. It is not anticipated that the proposed change of the use of Woodland will add any burden to the adjacent vehicular system.

Item 4:

The general use of major existing and open space will remain as is. It will be used for landscaping, a fenced in children's play area, recreation, gardens, pathways, and storm water detention.

May 11, 2009

Diane McCarthy, Board Member
Harrisonburg Rockingham Child Day Care Center
205 S. Main Street
Harrisonburg VA 22801

Mr. Adam Fletcher
Harrisonburg City Planning Commission
409 S. Main Street
Harrisonburg VA 22801

Dear Adam,

Thank you for taking the time to meet with us to explain the application process. We are excited at the prospect of moving our program to the Woodlands building on the VMRC campus.

Harrisonburg Rockingham Child Day Care Center (HRCDDC) has proudly served the community for 37 years from the ground level of Asbury United Methodist Church in downtown Harrisonburg. Providing high quality daycare for children ages 2-8 years, HRCDDC is fully licensed and accredited with a curriculum based program focused on child development and school readiness. HRCDDC was one of the first in the state of Virginia to receive accreditation from the National Association for the Education of Young Children.

HRCDDC has a current enrollment of 100 children from diverse backgrounds. Tuition is based on a sliding scale to offer affordable care to families of all income levels. A 501C agency, the program is partially funded by United Way.

Asbury Church will be undergoing renovations requiring HRCDDC to move. After an extensive relocation search, we are thrilled with the prospective move to the Woodlands building. The Woodlands property's existing space can be utilized for classrooms and common areas suitable for our current program, and sufficient green space to meet licensing requirements. The property also offers easy access for dropping off and picking up children. Furthermore, HRCDDC and VMRC are exploring the possibilities of partnering in an intergenerational care concept.

If you have any questions regarding HRCDDC, please feel free to contact me at 578-2527.

Thank you for your consideration,


Diane McCarthy

PROPERTY SUMMARY: TOTAL PROPERTY OWNED BY VIRGINIA MENNONITE COMMUNITY, INC. (VMRC)

PARK VILLAGE, INC.	24,617 ACRES
HERITAGE HAVEN, INC.	7,540
VIRGINIA MENNONITE HOME, INC.	14,055
TOTAL	46,212 ACRES

PARKING SUMMARY: TOTAL PARKING AT VIRGINIA MENNONITE COMMUNITY, INC. (VMRC)

WOODLAND	25 SPACES
VMRC	649
TOTAL	674 SPACES

VIRGINIA MENNONITE RETIREMENT COMMUNITY
EXISTS WITH THE INSTITUTIONAL
OVERLAY ZONING

3,580 ACRES OWNED BY
PARK VILLAGE, INC.

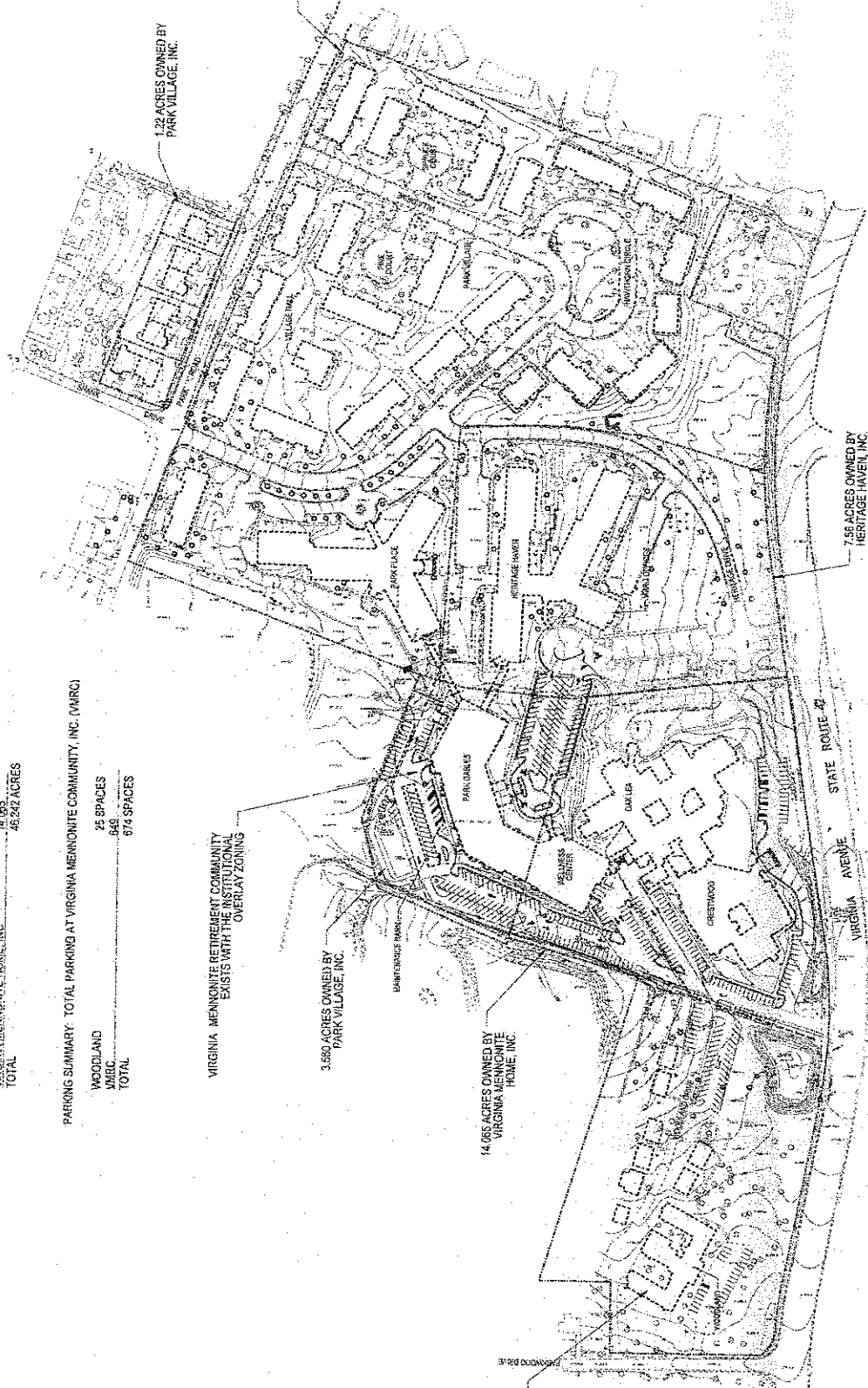
14,055 ACRES OWNED BY
VIRGINIA MENNONITE
HOME, INC.

AGE USE OF WOODLAND
BUILDING TO CHILDREN'S
DAYCARE FACILITY
(8,535 ACRES)

7.55 ACRES OWNED BY
HERITAGE HAVEN, INC.

19,837 ACRES OWNED BY
PARK VILLAGE, INC.
(INCLUDES DEDICATED STREETS)

1.22 ACRES OWNED BY
PARK VILLAGE, INC.



MASTER SITE PLAN
SCALE 1" = 1650'

Date Application Received: 05-11-09

Total Paid: \$425.00 AF

Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Virginia Mennonite Home, Inc. (VMR)
Street Address: 1501 Virginia Ave Email: _____
City/State/Zip: Harrisonburg VA 22802
Telephone (work): 540-564-3400 (home or cellular): _____ (fax): 540-564-3700

Section 2: Owner's Representative Information

Name: Marcia Nisly
Street Address: 1501 Virginia Ave Email: nislym@vmr.org
City/State/Zip: Harrisonburg, VA 22802
Telephone (work): 540-564-3401 (home or cellular): 540-564-8272 (fax): 540-564-3700

Section 3: Description of Property

Location (street address): 1301 Virginia Ave
Tax Map Number: Sheet: _____ Block: _____ Lot: _____ Total Land Area (acres or square feet): 4 Acres
Existing Zoning District: Assisted Living Proposed Zoning District *: Children's day care center, offices, student living
Existing Comprehensive Plan Designation: 173 Institutional Overlay

**If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a). Would the development from this rezoning require a Traffic Impact Analysis by VDOT?
Yes _____ No _____

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b). Would the development from this rezoning require a Traffic Impact Analysis review by the City?
Yes _____ No _____

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: See Attached
East: _____
South: _____
West: _____

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: Marcia Nisly
Property Owner

See Back for Items Required for Submission

June 2009 Proactive-Zoning Report

For the month of June 2009 the proactive-zoning program targeted the **Exit 243** section of the city. During the proactive inspections a total of **one violation** was found. This was a decrease in the number of violations from the first 3-year cycle and an increase in the number of violations from the second 3-year cycle as noted in the chart below. The violations consisted of an inoperable vehicle.

MONTH	SECTOR	VIOLATIONS	CORRECTED	1 st CYCLE	2 nd CYCLE
December 2008	Wyndham Woods	4	4	2	0
January 2009	Northfield	19	19	21	6
February 2009	Purcell Park	5	5	7	6
March 2009	Parkview	16	16	19	7
April 2009	Northeast	63	34	80	45
May 2009	Ind./Tech Park	0	0	0	1
June 2009	Exit 243	1	n/a	10	0
July 2009	Fairway Hills			1	0
August 2009	Smithland Rd.			0	4
September 2009	N. Main St.			13	4
October 2009	Liberty St.			6	4
November 2009	Westover			18	8
December 2009	Garber's Church			1	2
January 2010	Spotswood Acres			6	4
February 2010	Jefferson St.			26	22
March 2010	Forest Hills/JMU			6	1
April 2010	S. Main			1	0
May 2010	Hillandale			7	5
June 2010	Maplehurst/JMU			6	5
July 2010	Long /Norwood			12	28
August 2010	Greystone			13	10
September 2010	Greendale/SE			3	2
October 2010	Ramblewood			4	8
November 2010	Stone Spring Village/JMU			2	10
December 2010	Sunset Heights			7	29
January 2011	Reherd Acres			10	12
February 2011	RT 33 West			0	16
March 2011	Chicago Ave			16	22
April 2011	Pleasant Hill			4	13
May 2011	Avalon Woods			7	26
June 2011	Waterman Elementary			6	61
July 2011	Bluestone Hills & Valley Mall			3	33
August 2011	Keister Elementary			6	5
September 2011	500-600 S. Main			7	30
October 2011	Court Square			0	3
November 2011	Preston Heights			8	3

The proactive-zoning program for July 2009 will be directed towards the enforcement of the Zoning Ordinance in the **Fairway Hills** section of the City.

Proactive Zoning Map

